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THE PURSUIT OF REGIONAL AND DISTRICT
PLANNING OBJECTIVES

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Preamble:

The Town Planning 1926 was in force for 27 years during a period of fierce social, economic and political change which crowded out any latent individual or collective concern for the physical environment.

The Town and Country Planning Act 1953 lasted for 24 years during a period when social and economic conditions were stable and concern for the physical environment was steadily increasing. The latter part of that era was marked by a re-awakening concern for resource conservation and management and a parallel mounting concern for population growth rates. This twentieth century revival of Malthusianism was epitomized by the Club of Rome's Limit to Growth (1972).

The Town and Country Planning Act 1977 was a hastily drafted document, inadequately tested at its various bill stages and brought into force at the beginning of a major social and economic change paralleled by an accelerating concern for the physical environment and a much broader community participation in related decision-making. Malthusianism will be tempered by the recognition that Veblen's conspicuous consumption is a greater short-term threat to resource stocks than population increase. Diminishing oil supplies will see major changes in international and national travel patterns by the mid-1980s. Boulding's (1966) Spaceship Earth concept will not have encouraged the sought-for global strategy in resource management except to the extent that neo-colonialism in pursuit of remaining 'un-committed' resource stocks will be a vigorous force for at least the first two decades. John Locke's (1690) view of the ocean as "that great and still remaining common of mankind" will prove to be only too true in the sense that Hardin interpreted the word in his essay "The Tragedy of the Commons" (1968). (There, he emphasised that traditional British commons could not survive the increases in the demands placed upon them by increases in population and increasing levels of expectation).

At the same time there will be an increasing refusal to further acquiesce in the argument that pollution is an externality the cost of which must be borne by the community rather than the polluter. The exception will continue to be the ultimate pollution of radioactive 'waste'. And, of that, not so much as a consequence of the proliferation of industrial applications, as of the continuously increasing tension of military brinkmanship. The increasing

prospect of nuclear conflict during the rest of the century will further discourage the more youthful generations from making personal decisions on the assumption of a secure, long-term future.

Yet mankind cannot base its decisions on the scenario of no future even though the amoral among its number may pursue such variations as the military and Western inspired 'trriage' philosophy.

The concept of the steady-state economy has re-emerged in late-twentieth century guise but with backward glances at such as John Stuart Mill's (1857) verdict :-

"It is scarcely necessary to remark that a stationary condition of capital and population implies no stationary state of human improvement. There will be as much scope as ever for all kinds of mental culture, and moral and social progress; as much room for improving the Art of Living and much more likelihood of its being improved, when minds cease to be engrossed by the art of getting on. Even the industrial arts might be as earnestly and as successfully cultivated, with this sole difference, that instead of serving no purpose but the increase of wealth, industrial improvements would produce their legitimate effect, that of abridging labour".

The New Zealand of the next two decades will be faced with the seeming paradox of turbulent change and zero growth rates, although the paradigm of the steady-state economy may be substantially distorted by such scenarios as that which urges the increase of population to ten or twenty millions because either it is amoral for the present few to occupy so much space; or, the increase is necessary to maintain and enhance our living standards; or, if we do not increase on a voluntary basis, then the increase will be imposed upon us by external forces.

Associated Legislation :

The New Zealand Planning Act 1977, has provided a statutory perch upon which the New Zealand Planning Council and the Commission for the Future will sit.

One of the functions of the Council, apart from advising "the Government on planning for social, economic and cultural development in New Zealand" (section 3 (1) (a)), is the task of fostering "discussion among those agencies (Government and private) concerned with planning, particularly in the economic, environmental, social and cultural fields" (section 3 (1) (c)).

The statute might, with advantage, have pre-dated the review of the Town and Country Planning Act. There is danger, of course, in looking to town and country planning legislation as a repository for all matters affecting the physical environment, but

some cross-referencing between statutes passed by Parliament in the same session is not an unreasonable request. It is acknowledged that the Reserves Act 1977 has further confirmed the Lands & Survey Department in the aspect of Victoriana but the complete rejection of the smooth-running machinery of the (soon to be renamed) planning tribunal by a Department determined to allow no chink in its armour of empire should not have been countenanced by Parliament.

The Q. E. II National Trust is no Greek gift, but it does demonstrate that even the Departments' own officers are not on speaking terms with each other when it comes to drafting its new statutory responsibilities.

Local Government Bills wait in the wings, but what happened to the Commission for the Environment? Has the Officials Committee once more confirmed the primacy of Departmental engineers and are such august groups as the senior staff of the Electricity Department to be saved further public embarrassment? It is clear that the environmental impact procedure was too strong a medicine for many Wellington stomachs. The Commission may be nearing demise, but there is no good reason why its soul of E. I. R.s should not go marching on.

The procedure needs a priority position in the list of early amendments to the new Town and Country Planning Act. It is not only Government Departments that need constant reminders that the pool of expertise within the community ensures a most successful sieve through which all major development projects should be required to pass.

It is unreasonable to expect the new Act to anticipate the New Zealand of the next two decades, although section 3 could be seen as a timid attempt. It is not unreasonable to expect a dove-tailing of related legislation.

The extent to which regional and district objectives may be perceived and pursued will become clearer as the first case law emerges, but Parliament has heavily loaded the dice through its now customary ploy of allocating responsibilities without providing the needed matching resources. The world may be in a parlous state but districts and regions must work on the assumption that it will not end for yet awhile.

The Town and Country Planning Act 1977 :

The argument that effective regional and district planning cannot occur except within the context of national planning is given a periodic airing. But that horse carries too great a handicap. National planning that extends beyond an identification of, and

agreement upon, goals and objectives, pre-supposes consensus politics or government longevity.

The higher the level of decision-making, the greater the degree of political input. Regional planning is not exempt from that influence; local government has always reflected it. What makes for more vigorous activity is the virtual disappearance of one party government at the local level. The 'proper expressions of the public interest' are no longer the monopoly of chambers of commerce, businessmen's associations and the like. The pejorative may still be effectively attached to their manifestations of other value systems but their legal standing is the rock against which all emotive attacks must founder.

The New Zealand planning act is, in my view, a model from which the British and North American planning systems have much to learn, but if there was one aspect that had to be singled out for emulation, it should be the provision for third party participation in the decision-making progress. The extension of that principle to cover conditional use and specified departure applications is long overdue but nevertheless welcome. The value judgment content of planning philosophy and practice demands an extensive network of checks and balances in which the advocacy role will continue to play a vital part.

Sections 3 and 4 establish the framework for New Zealand planning. Section 3 has extended the matters of national interest (the national planning input) inserted into the 1953 Act under section 2B. It has been suggested to me that the weight of those earlier directives has been lessened by the addition of other matters. I can see that an extensive list may lose the element of starkness, but I am not convinced that their status will diminish.

The Review Committee urged that the Crown be bound by the act. The result is section 17 which directs that the Crown "shall adhere to the provisions of an approved regional planning scheme". The opportunity for continued abuse of Crown privilege by Government Departments and their staffs remains in the case of district schemes. Lord Acton's dictum should appear, appropriately framed, on the walls of all government offices.

The one criterion that the Local Government Commission should keep in mind in its peregrinations is the threshold level below which local authorities are unable to carry out their planning

responsibilities in a competent manner. Delegated responsibilities and delegated resources go hand in hand. The decentralisation of decision-making is commendable; the unloading of tasks unto shoulders to weak to take the load is not.

The pursuit of section 3 objectives will falter not because of their inappropriateness, but because the present local government structure is not equipped to handle them. They carry land use planning into the world of resource management and that is good, but Parliament appears to labour under the delusion that the transition will now occur. In that, it is mistaken.

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